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Attorney for Defendant
Fernando Magana-Mendoza

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
The Honorable Salvador Mendoza, Jr.

United States of America,

Plaintiff,

v.

Fernando Magana-Mendoza,

Defendant.

No. 1:18-CR-2056-SMJ

**Ex Parte Motion for Withdrawal
and Substitution of Counsel**

Expedited Hearing Requested

Undersigned counsel moves the Court for an ex parte order allowing him to withdraw as counsel of record and appointing alternate counsel to represent Fernando Magana-Mendoza.

On November 7, 2018, this Court appointed the Federal Defenders of Eastern Washington and Idaho to represent Mr. Magana-Mendoza in this case, in which he is charged with one count of unlawful reentry into the United States in violation of 8 U.S.C. § 1326. ECF Nos. 4, 11. Counsel has reviewed discovery with Mr. Magana-Mendoza and met with him several times to discuss his case.

1 On November 27, 2018, it came to defense counsel's attention that the Federal
2 Defenders have a conflict of interest in Mr. Magana-Mendoza's case. Undersigned
3 counsel currently represents a client who has interests directly adverse to those of Mr.
4 Magana-Mendoza. These adverse interests just became known to counsel and will
5 prevent counsel from advocating certain positions beneficial to Mr. Magana-Mendoza,
6 as doing so would violate his ethical duties to another client. Based upon this conflict,
7 counsel cannot fully and zealously represent Mr. Magana-Mendoza.

8 Counsel therefore requests that the Court allow him to withdraw and appoint
9 counsel from the Criminal Justice Act (CJA) panel to represent Mr. Magana-Mendoza.
10 Given Mr. Magana-Mendoza's Sixth Amendment rights to counsel and to a speedy
11 trial, and given that there are imminent filing deadlines in his case, he respectfully
12 requests that the Court hear his request on an expedited basis.

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14 Dated: November 28, 2018.

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